

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2454

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend ~~Section~~ *Sections 388.1 and 11403* of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as amended, Quirk-Silva. Foster youth: nonminor dependents.

Existing law provides aid and services to children placed in out-of-home care through various public assistance programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC), Kinship Guardianship Assistance Payment Program (Kin-GAP), and the Adoption Assistance Program. Existing law provides that a minor who has been abused or neglected, or who has violated a law or ordinance, as specified, is within the jurisdiction of the juvenile court as a dependent child or a ward, respectively. Existing law also establishes the court's transition jurisdiction over certain minors and nonminors, as specified.

Existing law authorizes a nonminor who has not attained 21 years of age to petition the juvenile court for a hearing to determine whether to assume dependency jurisdiction over the nonminor if he or she received public assistance after attaining 18 years of age, as specified, and the nonminor's former guardian or guardians or adoptive parent or parents died after he or she attained 18 years of age, but before he or she attains

21 years of age. Prior to the hearing, existing law requires the court to order the county child welfare or probation department to prepare a report for the court that addresses the nonminor's educational or vocational plans, as specified, and recommendations for his or her placement. Existing law requires the placement and care of a former dependent or ward to be under the responsibility of specified local agencies, including either the county welfare services department or probation department, and requires the agency made responsible for the nonminor's placement and care to prepare a new transitional independent living case plan, as specified.

This bill would additionally authorize a nonminor who has not attained 21 years of age to petition the court, as described above, if the nonminor received public assistance after attaining 18 years of age, as specified, and his or her former guardian or guardians or adoptive parent or parents ~~fail to no longer~~ provide ongoing support to, and ~~no longer receive payment on behalf of, the nonminor~~, and the court determines that it is in the nonminor's best interest for the court to assume dependency jurisdiction. By expanding the number of persons who are eligible to petition the juvenile court to assume dependency jurisdiction, the bill would increase the duties of social workers and probation officers, thereby creating a state-mandated local program.

This bill would make conforming changes to a related provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 388.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 388.1. (a) On and after January 1, 2014, a nonminor who has
- 4 not attained 21 years of age may petition the court in which he or
- 5 she was previously found to be a dependent or delinquent child of
- 6 the juvenile court for a hearing to determine whether to assume

1 dependency jurisdiction over the nonminor, if he or she meets any
2 of the following descriptions:

3 (1) He or she is a nonminor former dependent, as defined in
4 subdivision (aa) of Section 11400, who received aid after attaining
5 18 years of age under Kin-GAP pursuant to Article 4.5
6 (commencing with Section 11360) or Article 4.7 (commencing
7 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
8 pursuant to subdivision (e) of Section 11405, and whose former
9 guardian or guardians died after the nonminor attained 18 years
10 of age, but before he or she attains 21 years of age.

11 (2) He or she is a nonminor former dependent, as defined in
12 subdivision (aa) of Section 11400, who received aid after attaining
13 18 years of age under Kin-GAP pursuant to Article 4.5
14 (commencing with Section 11360) or Article 4.7 (commencing
15 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
16 pursuant to subdivision (e) of Section 11405, and whose former
17 guardian or guardians ~~are failing to~~ *no longer* provide ongoing
18 support to, ~~and no longer receive aid on behalf of,~~ the nonminor
19 after the nonminor attained 18 years of age, but before he or she
20 attains 21 years of age, ~~and the court determines that it is in the~~
21 ~~nonminor's best interest for the court to assume dependency~~
22 ~~jurisdiction.~~ *age.*

23 (3) He or she is a nonminor who received adoption assistance
24 payments after attaining 18 years of age pursuant to Chapter 2.1
25 (commencing with Section 16115) of Part 4 of Division 9 and his
26 or her adoptive parent or parents died after the nonminor attained
27 18 years of age, but before he or she attains 21 years of age.

28 (4) He or she is a nonminor who received adoption assistance
29 payments after attaining 18 years of age pursuant to Chapter 2.1
30 (commencing with Section 16115) of Part 4 of Division 9 and his
31 or her adoptive parent or parents ~~are failing to~~ *no longer* provide
32 ongoing support to, ~~and no longer receive benefits on behalf of,~~
33 the nonminor after the nonminor attained 18 years of age, but
34 before he or she attains 21 years of age, ~~and the court determines~~
35 ~~that it is in the nonminor's best interest for the court to assume~~
36 ~~dependency jurisdiction.~~ *age.*

37 (b) (1) The petition to assume jurisdiction may be filed in either
38 of the following:

39 (A) The juvenile court that established the guardianship pursuant
40 to Section 360, Section 366.26, or subdivision (d) of Section 728.

1 (B) The juvenile court that had jurisdiction over the minor or
2 nonminor dependent when his or her adoption was finalized.

3 (2) A nonminor described in subdivision (a) may submit a
4 petition to assume dependency jurisdiction to the juvenile court
5 in the county where he or she resides. A petition submitted pursuant
6 to this paragraph shall, within five days of submission, be
7 forwarded to the court that had jurisdiction over the child at the
8 time of the guardianship or adoption. The clerk of the court that
9 had jurisdiction over the child at the time of the guardianship or
10 adoption shall file the petition within one judicial day of receipt.

11 (c) (1) The juvenile court in which the petition was filed shall
12 order a hearing to be held within 15 judicial days of the date the
13 petition was filed if there is a prima facie showing that the
14 nonminor satisfies all of the following criteria:

15 (A) He or she was a minor under juvenile court jurisdiction at
16 the time of the establishment of a guardianship pursuant to Section
17 360, Section 366.26, or subdivision (d) of Section 728, or he or
18 she was a minor or nonminor dependent when his or her adoption
19 was finalized.

20 (B) (i) His or her guardian or guardians, or adoptive parent or
21 parents, as applicable, died after the nonminor attained 18 years
22 of age, but before he or she attained 21 years of age.

23 (ii) His or her guardian or guardians, or adoptive parent or
24 parents, as applicable, ~~are failing to~~ *no longer* provide ongoing
25 support to, *and no longer receive payment on behalf of*, the
26 nonminor after the nonminor attained 18 years of age, but before
27 he or she attained 21 years of age, and it ~~is~~ *may be* in the
28 nonminor's best interest for the court to assume dependency
29 jurisdiction.

30 (C) He or she intends to satisfy at least one of the conditions
31 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
32 Section 11403.

33 (D) He or she is requesting assistance in maintaining or securing
34 appropriate supervised placement, or needs immediate placement
35 and agrees to supervised placement pursuant to the voluntary
36 reentry agreement described in subdivision (z) of Section 11400.

37 (2) Upon ordering a hearing, the court shall give prior notice,
38 or cause prior notice to be given, to the nonminor, the appropriate
39 child welfare agency or probation department, and any other person
40 requested by the nonminor in the petition.

1 (3) Pursuant to applicable rules of court, the juvenile court shall
2 allow for telephonic appearances by the nonminor in these
3 proceedings and in any proceeding in which the nonminor
4 dependent is a party.

5 (4) Prior to the hearing, the court shall order the county child
6 welfare or probation department to prepare a report for the court
7 that addresses both of the following:

8 (A) The nonminor's plans to satisfy at least one of the criteria
9 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
10 Section 11403.

11 (B) The appropriate placement setting for the nonminor. When
12 the recommendation is for the nonminor to be placed in a setting
13 where minor dependents also reside, the results of a background
14 check of the petitioning nonminor conducted pursuant to Section
15 16504.5 may be used by the placing agency to determine
16 appropriate placement options for him or her.

17 (5) The court shall assume dependency jurisdiction over a former
18 dependent or ward, and order his or her placement and care be
19 under the responsibility of the county child welfare services
20 department, the probation department, tribe, consortium of tribes,
21 or tribal organization, if the court finds all of the following:

22 (A) The nonminor was a minor under juvenile court jurisdiction
23 at the time of the establishment of a guardianship pursuant to
24 Section 360, Section 366.26, or subdivision (d) of Section 728, or
25 he or she was a dependent at the time his or her adoption was
26 finalized.

27 *(B) The nonminor's guardian or guardians, or adoptive parent*
28 *or parents, as applicable, have died, or no longer provide ongoing*
29 *support to, and no longer receive payment on behalf of, the*
30 *nonminor, and it is in the nonminor's best interests for the court*
31 *to assume dependency jurisdiction.*

32 ~~(B)~~

33 (C) The nonminor has not attained 21 years of age.

34 ~~(C)~~

35 (D) Reentry and remaining in foster care are in the nonminor's
36 best interests.

37 ~~(D)~~

38 (E) The nonminor intends to satisfy, and agrees to satisfy, at
39 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
40 of subdivision (b) of Section 11403, and demonstrates his or her

1 agreement to placement in a supervised setting under the placement
2 and care responsibility of the placing agency by signing the
3 voluntary reentry agreement described in subdivision (z) of Section
4 11400.

5 (6) The existence of a criminal conviction is not a bar to
6 eligibility for reentry to foster care or assumption of dependency
7 jurisdiction over a nonminor.

8 (7) The court shall not grant a continuance that would cause the
9 hearing to be completed more than 120 days after the date the
10 petition is filed.

11 (d) The agency made responsible for the nonminor's placement
12 and care pursuant to paragraph (5) of subdivision (c) shall prepare
13 a new transitional independent living case plan within 60 calendar
14 days of the date the nonminor signs the voluntary reentry agreement
15 and shall submit the plan to the court for the review hearing
16 specified in Section 366.31, to be held within 70 days of the
17 assumption of dependency jurisdiction. The review hearing under
18 Section 366.31 shall not be held more than 170 calendar days from
19 the date the nonminor signs the voluntary reentry agreement.

20 (e) (1) A nonminor described in subdivision (a) may enter into
21 a voluntary reentry agreement as defined in subdivision (z) of
22 Section 11400 in order to establish eligibility for foster care
23 benefits under subdivision (e) of Section 11401 before or after
24 filing a petition to assume dependency jurisdiction. If the nonminor
25 enters into a voluntary reentry agreement prior to filing the petition,
26 the nonminor is entitled to placement and supervision pending the
27 court's assumption of jurisdiction.

28 (2) If the nonminor completes a voluntary reentry agreement
29 with a placing agency, the placing agency shall file the petition to
30 assume dependency jurisdiction on behalf of the nonminor within
31 15 judicial days of the date the agreement is signed, unless the
32 nonminor elects to file the petition at an earlier date.

33 *SEC. 2. Section 11403 of the Welfare and Institutions Code is*
34 *amended to read:*

35 11403. (a) It is the intent of the Legislature to exercise the
36 option afforded states under Section 475(8) (42 U.S.C. Sec.
37 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
38 federal Social Security Act, as contained in the federal Fostering
39 Connections to Success and Increasing Adoptions Act of 2008
40 (Public Law 110-351), to receive federal financial participation

1 for nonminor dependents of the juvenile court who satisfy the
2 conditions of subdivision (b), consistent with their transitional
3 independent living case plan. Effective January 1, 2012, these
4 nonminor dependents shall be eligible to receive support up to 19
5 years of age, effective January 1, 2013, up to 20 years of age, and
6 effective January 1, 2014, up to 21 years of age, consistent with
7 their transitional independent living case plan and as described in
8 Section 10103.5. It is the intent of the Legislature both at the time
9 of initial determination of the nonminor dependent's eligibility
10 and throughout the time the nonminor dependent is eligible for aid
11 pursuant to this section, that the social worker or probation officer
12 or Indian tribal placing entity and the nonminor dependent shall
13 work together to ensure the nonminor dependent's ongoing
14 eligibility. All case planning shall be a collaborative effort between
15 the nonminor dependent and the social worker, probation officer,
16 or Indian tribe, with the nonminor dependent assuming increasing
17 levels of responsibility and independence.

18 (b) A nonminor dependent receiving aid pursuant to this chapter,
19 who satisfies the age criteria set forth in subdivision (a), shall meet
20 the legal authority for placement and care by being under a foster
21 care placement order by the juvenile court, or the voluntary reentry
22 agreement as set forth in subdivision (z) of Section 11400, and is
23 otherwise eligible for AFDC-FC payments pursuant to Section
24 11401. A nonminor who satisfies the age criteria set forth in
25 subdivision (a), and who is otherwise eligible, shall continue to
26 receive CalWORKs payments pursuant to Section 11253 or, as a
27 nonminor former dependent or ward, aid pursuant to Kin-GAP
28 under Article 4.5 (commencing with Section 11360) or Article 4.7
29 (commencing with Section 11385) or adoption assistance payments
30 as specified in Chapter 2.1 (commencing with Section 16115) of
31 Part 4. Effective January 1, 2012, a nonminor former dependent
32 child or ward of the juvenile court who is receiving AFDC-FC
33 benefits pursuant to Section 11405 and who satisfies the criteria
34 set forth in subdivision (a) shall be eligible to continue to receive
35 aid as long as the nonminor is otherwise eligible for AFDC-FC
36 benefits under this subdivision. This subdivision shall apply when
37 one or more of the following conditions exist:

38 (1) The nonminor is completing secondary education or a
39 program leading to an equivalent credential.

1 (2) The nonminor is enrolled in an institution which provides
2 postsecondary or vocational education.

3 (3) The nonminor is participating in a program or activity
4 designed to promote, or remove barriers to employment.

5 (4) The nonminor is employed for at least 80 hours per month.

6 (5) The nonminor is incapable of doing any of the activities
7 described in subparagraphs (1) to (4), inclusive, due to a medical
8 condition, and that incapability is supported by regularly updated
9 information in the case plan of the nonminor. The requirement to
10 update the case plan under this section shall not apply to nonminor
11 former dependents or wards in receipt of Kin-GAP program or
12 Adoption Assistance Program payments.

13 (c) The county child welfare or probation department, Indian
14 tribe, consortium of tribes, or tribal organization that has entered
15 into an agreement pursuant to Section 10553.1, shall work together
16 with a nonminor dependent who is in foster care on his or her 18th
17 birthday and thereafter or a nonminor former dependent receiving
18 aid pursuant to Section 11405, to satisfy one or more of the
19 conditions described in paragraphs (1) to (5), inclusive, of
20 subdivision (b) and shall certify the nonminor's applicable
21 condition or conditions in the nonminor's six-month transitional
22 independent living case plan update, and provide the certification
23 to the eligibility worker and to the court at each six-month case
24 plan review hearing for the nonminor dependent. Relative
25 guardians who receive Kin-GAP payments and adoptive parents
26 who receive adoption assistance payments shall be responsible for
27 reporting to the county welfare agency that the nonminor does not
28 satisfy at least one of the conditions described in subdivision (b).
29 The social worker, probation officer, or tribal entity shall verify
30 and obtain assurances that the nonminor dependent continues to
31 satisfy at least one of the conditions in paragraphs (1) to (5),
32 inclusive, of subdivision (b) at each six-month transitional
33 independent living case plan update. The six-month case plan
34 update shall certify the nonminor's eligibility pursuant to
35 subdivision (b) for the next six-month period. During the six-month
36 certification period, the payee and nonminor shall report any
37 change in placement or other relevant changes in circumstances
38 that may affect payment. The nonminor dependent, or nonminor
39 former dependent receiving aid pursuant to subdivision (e) of
40 Section 11405, shall be informed of all due process requirements,

1 in accordance with state and federal law, prior to an involuntary
2 termination of aid, and shall simultaneously be provided with a
3 written explanation of how to exercise his or her due process rights
4 and obtain referrals to legal assistance. Any notices of action
5 regarding eligibility shall be sent to the nonminor dependent or
6 former dependent, his or her counsel, as applicable, and the placing
7 worker, in addition to any other payee. Payments of aid pursuant
8 to Kin-GAP under Article 4.5 (commencing with Section 11360)
9 or Article 4.7 (commencing with Section 11385), adoption
10 assistance payments as specified in Chapter 2.1 (commencing with
11 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
12 Section 11405 that are made on behalf of a nonminor former
13 dependent shall terminate subject to the terms of the agreements.
14 Subject to federal approval of amendments to the state plan, aid
15 payments may be suspended and resumed based on changes of
16 circumstances that affect eligibility. Nonminor former dependents,
17 as identified in paragraph (2) of subdivision (aa) of Section 11400,
18 are not eligible for reentry under subdivision (e) of Section 388 as
19 nonminor dependents under the jurisdiction of the juvenile court,
20 unless (1) the nonminor former dependent was receiving aid
21 pursuant to Kin-GAP under Article 4.5 (commencing with Section
22 11360) or Article 4.7 (commencing with Section 11385), or the
23 nonminor former dependent was receiving aid pursuant to
24 subdivision (e) of Section 11405, or the nonminor was receiving
25 adoption assistance payments as specified in Chapter 2.1
26 (commencing with Section 16115) of Part 3 and (2) the nonminor's
27 former guardian or adoptive parent dies, *or no longer provides*
28 *ongoing support to, and no longer receives benefits on behalf of,*
29 *the nonminor* after the nonminor turns 18 years of age but before
30 the nonminor turns 21 years of age. Nonminor former dependents
31 requesting the resumption of AFDC-FC payments pursuant to
32 subdivision (e) of Section 11405 shall complete the applicable
33 portions of the voluntary reentry agreement, as described in
34 subdivision (z) of Section 11400.

35 (d) A nonminor dependent may receive all of the payment
36 directly provided that the nonminor is living independently in a
37 supervised placement, as described in subdivision (w) of Section
38 11400, and that both the youth and the agency responsible for the
39 foster care placement have signed a mutual agreement, as defined
40 in subdivision (u) of Section 11400, if the youth is capable of

1 making an informed agreement, that documents the continued need
2 for supervised out-of-home placement, and the nonminor's and
3 social worker's or probation officer's agreement to work together
4 to facilitate implementation of the mutually developed supervised
5 placement agreement and transitional independent living case plan.

6 (e) Eligibility for aid under this section shall not terminate until
7 the nonminor dependent attains the age criteria, as set forth in
8 subdivision (a), but aid may be suspended when the nonminor
9 dependent no longer resides in an eligible facility, as described in
10 Section 11402, or is otherwise not eligible for AFDC-FC benefits
11 under Section 11401, or terminated at the request of the nonminor,
12 or after a court terminates dependency jurisdiction pursuant to
13 Section 391, delinquency jurisdiction pursuant to Section 607.2,
14 or transition jurisdiction pursuant to Section 452. AFDC-FC
15 benefits to nonminor dependents, may be resumed at the request
16 of the nonminor by completing a voluntary reentry agreement
17 pursuant to subdivision (z) of Section 11400, before or after the
18 filing of a petition filed pursuant to subdivision (e) of Section 388
19 after a court terminates dependency or transitional jurisdiction
20 pursuant to Section 391, or delinquency jurisdiction pursuant to
21 Section 607.2. The county welfare or probation department or
22 Indian tribal entity that has entered into an agreement pursuant to
23 Section 10553.1 shall complete the voluntary reentry agreement
24 with the nonminor who agrees to satisfy the criteria of the
25 agreement, as described in subdivision (z) of Section 11400. The
26 county welfare department or tribal entity shall establish a new
27 child-only Title IV-E eligibility determination based on the
28 nonminor's completion of the voluntary reentry agreement pursuant
29 to Section 11401. The beginning date of aid for either federal or
30 state AFDC-FC for a reentering nonminor who is placed in foster
31 care is the date the voluntary reentry agreement is signed or the
32 nonminor is placed, whichever is later. The county welfare
33 department, county probation department, or tribal entity shall
34 provide a nonminor dependent who wishes to continue receiving
35 aid with the assistance necessary to meet and maintain eligibility.

36 (f) (1) The county having jurisdiction of the nonminor
37 dependent shall remain the county of payment under this section
38 regardless of the youth's physical residence. Nonminor former
39 dependents receiving aid pursuant to subdivision (e) of Section
40 11405 shall be paid by their county of residence. Counties may

1 develop courtesy supervision agreements to provide case
2 management and independent living services by the county of
3 residence pursuant to the nonminor dependent's transitional
4 independent living case plan. Placements made out of state are
5 subject to the applicable requirements of the Interstate Compact
6 on Placement of Children, pursuant to Part 5 (commencing with
7 Section 7900) of Division 12 of the Family Code.

8 (2) The county welfare department, county probation
9 department, or tribal entity shall notify all foster youth who attain
10 16 years of age and are under the jurisdiction of that county or
11 tribe, including those receiving Kin-GAP, and AAP, of the
12 existence of the aid prescribed by this section.

13 (3) The department shall seek any waiver to amend its Title
14 IV-E State Plan with the Secretary of the United States Department
15 of Health and Human Services necessary to implement this section.

16 (g) (1) Subject to paragraph (3), a county shall pay the
17 nonfederal share of the cost of extending aid pursuant to this
18 section to eligible nonminor dependents who have reached 18
19 years of age and who are under the jurisdiction of the county,
20 including AFDC-FC payments pursuant to Section 11401, aid
21 pursuant to Kin-GAP under Article 4.7 (commencing with Section
22 11385), adoption assistance payments as specified in Chapter 2.1
23 (commencing with Section 16115) of Part 4, and aid pursuant to
24 Section 11405 for nonminor dependents who are residing in the
25 county as provided in paragraph (1) of subdivision (f). A county
26 shall contribute to the CalWORKs payments pursuant to Section
27 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
28 with Section 11360) at the statutory sharing ratios in effect on
29 January 1, 2012.

30 (2) Subject to paragraph (3), a county shall pay the nonfederal
31 share of the cost of providing permanent placement services
32 pursuant to subdivision (c) of Section 16508 and administering
33 the Aid to Families with Dependent Children Foster Care program
34 pursuant to Section 15204.9. For purposes of budgeting, the
35 department shall use a standard for the permanent placement
36 services that is equal to the midpoint between the budgeting
37 standards for family maintenance services and family reunification
38 services.

39 (3) (A) (i) Notwithstanding any other law, a county's required
40 total contribution pursuant to paragraphs (1) and (2), excluding

1 costs incurred pursuant to Section 10103.5, shall not exceed the
2 amount of savings in Kin-GAP assistance grant expenditures
3 realized by the county from the receipt of federal funds due to the
4 implementation of Article 4.7 (commencing with Section 11385),
5 and the amount of funding specifically included in the Protective
6 Services Subaccount within the Support Services Account within
7 the Local Revenue Fund 2011, plus any associated growth funding
8 from the Support Services Growth Subaccount within the Sales
9 and Use Tax Growth Account to pay the costs of extending aid
10 pursuant to this section.

11 (ii) A county, at its own discretion, may expend additional funds
12 beyond the amounts identified in clause (i). These additional
13 amounts shall not be included in any cost and savings calculations
14 or comparisons performed pursuant to this section.

15 (B) Beginning in the 2011–12 fiscal year, and for each fiscal
16 year thereafter, funding and expenditures for programs and
17 activities under this section shall be in accordance with the
18 requirements provided in Sections 30025 and 30026.5 of the
19 Government Code. In addition, the following are available to the
20 counties for the purpose of funding costs pursuant to this section:

21 (i) The savings in Kin-GAP assistance grant expenditures
22 realized from the receipt of federal funds due to the implementation
23 of Article 4.7 (commencing with Section 11385).

24 (ii) The savings realized from the change in federal funding for
25 adoption assistance resulting from the enactment of Public Law
26 110-351 and consistent with subdivision (d) of Section 16118.

27 (4) (A) The limit on the county's total contribution pursuant to
28 paragraph (3) shall be assessed by the State Department of Social
29 Services, in conjunction with the California State Association of
30 Counties, in 2015–16, to determine if it shall be removed. The
31 assessment of the need for the limit shall be based on a
32 determination on a statewide basis of whether the actual county
33 costs of providing extended care pursuant to this section, excluding
34 costs incurred pursuant to Section 10103.5, are fully funded by
35 the amount of savings in Kin-GAP assistance grant expenditures
36 realized by the counties from the receipt of federal funds due to
37 the implementation of Article 4.7 (commencing with Section
38 11385) and the amount of funding specifically included in the
39 Protective Services Subaccount within the Support Services
40 Account within the Local Revenue Fund 2011 plus any associated

1 growth funding from the Support Services Growth Subaccount
2 within the Sales and Use Tax Growth Account to pay the costs of
3 extending aid pursuant to this section.

4 (B) If the assessment pursuant to subparagraph (A) shows that
5 the statewide total costs of extending aid pursuant to this section,
6 excluding costs incurred pursuant to Section 10103.5, are fully
7 funded by the amount of savings in Kin-GAP assistance grant
8 expenditures realized by the counties from the receipt of federal
9 funds due to the implementation of Article 4.7 (commencing with
10 Section 11385) and the amount of funding specifically included
11 in the Protective Services Subaccount within the Support Services
12 Account within the Local Revenue Fund 2011 plus any associated
13 growth funding from the Support Services Growth Subaccount
14 within the Sales and Use Tax Growth Account to pay the costs of
15 extending aid pursuant to this section, the Department of Finance
16 shall certify that fact, in writing, and shall post the certification on
17 its Internet Web site, at which time subparagraph (A) of paragraph
18 (3) shall no longer be implemented.

19 (h) It is the intent of the Legislature that no county currently
20 participating in the Child Welfare Demonstration Capped
21 Allocation Project be adversely impacted by the department's
22 exercise of its option to extend foster care benefits pursuant to
23 Section 673(a)(4) and Section 675(8) of Title 42 of the United
24 States Code in the federal Social Security Act, as contained in the
25 federal Fostering Connections to Success and Increasing Adoptions
26 Act of 2008 (Public Law 110-351). Therefore, the department shall
27 negotiate with the United States Department of Health and Human
28 Services on behalf of those counties that are currently participating
29 in the demonstration project to ensure that those counties receive
30 reimbursement for these new programs outside of the provisions
31 of those counties' waiver under Subtitle IV-E (commencing with
32 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
33 670 et seq.).

34 (i) The department, on or before July 1, 2013, shall develop
35 regulations to implement this section in consultation with
36 concerned stakeholders, including, but not limited to,
37 representatives of the Legislature, the County Welfare Directors
38 Association, the Chief Probation Officers of California, the Judicial
39 Council, representatives of Indian tribes, the California Youth
40 Connection, former foster youth, child advocacy organizations,

1 labor organizations, juvenile justice advocacy organizations, foster
2 caregiver organizations, and researchers. In the development of
3 these regulations, the department shall consider its Manual of
4 Policy and Procedures, Division 30, Chapter 30-912, 913, 916,
5 and 917, as guidelines for developing regulations that are
6 appropriate for young adults who can exercise incremental
7 responsibility concurrently with their growth and development.
8 The department, in its consultation with stakeholders, shall take
9 into consideration the impact to the Automated Child Welfare
10 Services Case Management Services (CWS-CMS) and required
11 modifications needed to accommodate eligibility determination
12 under this section, benefit issuance, case management across
13 counties, and recognition of the legal status of nonminor
14 dependents as adults, as well as changes to data tracking and
15 reporting requirements as required by the Child Welfare System
16 Improvement and Accountability Act as specified in Section
17 10601.2, and federal outcome measures as required by the federal
18 John H. Chafee Foster Care Independence Program (42 U.S.C.
19 Sec. 677(f)). In addition, the department, in its consultation with
20 stakeholders, shall define the supervised independent living setting
21 which shall include, but not be limited to, apartment living, room
22 and board arrangements, college or university dormitories, and
23 shared roommate settings, and define how those settings meet
24 health and safety standards suitable for nonminors. The department,
25 in its consultation with stakeholders, shall define the six-month
26 certification of the conditions of eligibility pursuant to subdivision
27 (b) to be consistent with the flexibility provided by federal policy
28 guidance, to ensure that there are ample supports for a nonminor
29 to achieve the goals of his or her transition independent living case
30 plan. The department, in its consultation with stakeholders, shall
31 ensure that notices of action and other forms created to inform the
32 nonminor of due process rights and how to access them shall be
33 developed, using language consistent with the special needs of the
34 nonminor dependent population.

35 (j) Notwithstanding the Administrative Procedure Act, Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code, the department shall prepare for
38 implementation of the applicable provisions of this section by
39 publishing, after consultation with the stakeholders listed in
40 subdivision (i), all-county letters or similar instructions from the

1 director by October 1, 2011, to be effective January 1, 2012.
2 Emergency regulations to implement the applicable provisions of
3 this act may be adopted by the director in accordance with the
4 Administrative Procedure Act. The initial adoption of the
5 emergency regulations and one readoption of the emergency
6 regulations shall be deemed to be an emergency and necessary for
7 the immediate preservation of the public peace, health, safety, or
8 general welfare. Initial emergency regulations and the first
9 readoption of those emergency regulations shall be exempt from
10 review by the Office of Administrative Law. The emergency
11 regulations authorized by this section shall be submitted to the
12 Office of Administrative Law for filing with the Secretary of State
13 and shall remain in effect for no more than 180 days.

14 (k) This section shall become operative on January 1, 2012.

15 ~~SEC. 2.~~

16 *SEC. 3.* If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.